

REMARKS

Claims 1-56 are pending and stand rejected. Please cancel claims 2, 16, and 29 subject to refiling.

The Office Action rejected claims 1, 15, and 28 under 28 USC 112, first paragraph, as being based on a disclosure which is not enabling. In particular, the Office Action identified several listed claim elements as being critical or essential to the practice of the invention but not included in the claim. Applicant has amended claims 1, 15, and 28 and respectfully requests that this rejection be withdrawn in light of the amendments.

The Office Action rejected claims 1, 15, 28, and 42-56 under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as his invention. Applicant has amended claims 1, 15, 28, and 42 and respectfully requests that this rejection be withdrawn in light of the amendments.

Applicant has made harmonizing amendments to other claims.

The Office Action rejected claims 42-56 under 35 USC 101 arguing that the claimed invention is directed to non-statutory subject matter. In particular, the Office Action argued that claims 42-56 are intended to embrace or overlap two different statutory classes of invention as set forth in 35 USC 101. Applicant respectfully disagrees. The Office Action appears to be relying on MPEP 2173.05(p)(II), which authorizes the rejection of “[a] single claim which claims both an apparatus and the method steps of using the apparatus.” Claims 42-56 do not fit that description. Claim 42 recites a database system. One of the elements of the database system is a process that performs defined actions. The process is not a method for using the system.

Further, many patents having precisely this format have issued, some of which are assigned to the predecessor of the assignee of the instant application. See, e.g., United States

Patent No. 7,206,563, claims 16-20. Applicant respectfully requests that this rejection be withdrawn.

The Office Action provisionally rejected claims 1, 15, 28, and 42 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 12, and 23 of copending application no. 11/328,702. Applicant understands that, because the instant application was filed before application serial no. 11/328,702, this rejection will be withdrawn when the other rejections have been resolved. MPEP 104(1)(B)(2). Applicant believes that the other rejections have been resolved and respectfully requests that this provisional rejection be withdrawn.

SUMMARY

Applicant contends that the claims are in condition for allowance, which action is requested. Applicant requests that the fees required with this submission be debited from deposit account number 50-4370.

Respectfully submitted,

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